

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA,	:	
	:	<b><u>RULINGS ON DEFENDANT</u></b>
	:	<b><u>DAVIDSON’S MOTION TO</u></b>
-against-	:	<b><u>SEVER AND MOTIONS IN</u></b>
	:	<b><u>LIMINE</u></b>
	:	
GEORGE GULDI and	:	19 Cr. 126 (AKH)
VICTORIA DAVIDSON,	:	
	:	
Defendants.	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

On October 13, 2022, I held a final pre-trial conference to rule on the parties’ motions in limine (ECF Nos. 100, 102, 105) and Defendant Davidson’s motion to sever her trial (ECF No. 97). I ruled as follows:

1. I denied Defendant Davidson’s motion to sever because the facts demonstrate that Davidson was inextricably involved in the frauds charged and any prejudice can be cured with a limiting instruction. *See United States v. Salameh*, 152 F.3d 88, 115 (2d Cir. 1998) (“[t]here is a preference . . . for joint trials of defendants who are indicted together.”); *see also United States v. Feyrer*, 333 F.3d 110, 114 (2d Cir. 2003) (severance is unwarranted when a limiting instruction can address any spillover prejudice).
2. I denied the Government’s motion to preclude, in the abstract, proffers of evidence of Defendants’ beliefs of ownership of the money at Ditech, subject to further review and rulings at trial in the context of the actual evidence and arguments presented.

3. I granted the Government's motion to preclude evidence or arguments concerning alleged corruption within the Suffolk County District Attorney's Office and Defendant Guldi's appeal of the insurance fraud case.
4. I granted the Government's motions to preclude evidence or argument that Defendants were unfairly prosecuted, or that the prosecution should have been pursued in another court or forum, or that Ditech was at fault or engaged in wrongdoing, or, as moot because withdrawn, evidence or argument concerning Guldi's prior good acts, or his family background, marital status, ancestry, health condition, age, or other personal considerations not relevant to the crimes charged, or concerning potential punishment or other consequences of a verdict. *See Fed. R. Evid. 403* (allowing exclusion of evidence posing a risk of undue prejudice, including that the jury may decide the case on an improper basis). Arguments by both sides of the seriousness of the case are appropriate.
5. Since the parties prefer to negotiate the admissibility of Defendant Guldi's prior convictions and of other Fed. R. Evid. 404(b) evidenced, the government's motion is denied as moot.
6. I deferred ruling on the admissibility of Davidson's proffers to the Government until they are offered at trial. The Government may not refer to the proffers in its opening statement.
7. I granted the Government's request to introduce evidence of Defendants' financial circumstances because such evidence is relevant to proving motive to commit the crimes charged.
8. I held that evidence of the state of mind of Guldi's former attorney, Michael A. Scotto, and of Davidson's mental illness is not relevant or admissible .

9. I granted in part and denied in part Guldi's motion to preclude the Government from using the terms "convicted felon," "felon," and "felony." The Government is precluded from using the term "convicted felon."
10. The Clerk shall terminate the open motions, ECF Nos. 97, 100, 102, and 105.

SO ORDERED.

Dated: October 19, 2022  
New York, New York

/s/ Alvin K. Hellerstein  
ALVIN K. HELLERSTEIN  
United States District Judge